

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19096 of 2020

Arising Out of PS. Case No.-54 Year-2020 Thana- KATRA District- Muzaffarpur

=====

Vimla Devi (Aged about years, Gender-Female), Wife of Vishwanath Chaudhary Resident of Village - Katra, P.S.- Katra, Distt - Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Ajay Mishra, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 15-05-2020 The matter has been listed and heard *vide* video conferencing in view of the lock-down imposed on account of the COVID-19 pandemic.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Katra PS Case No. 54 of 2020 dated 04.03.2020 instituted under Sections 272/273 of the Indian Penal Code and 30(a)/38(1) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner and others is that from her house 441 litres of foreign liquor was recovered.

5. Learned counsel for the petitioner submitted that as per the allegation itself, the police had information that Deepak



Chaudhary, who is the son of the petitioner, was indulging in the business of liquor along with his family members and when the police raided the house, the petitioner and her another son, who is also co-accused, were caught while others fled away. It was submitted that there was partition in the family between the petitioner and her sons in the year 2014 and that the recovered liquor was not from the part of the house which belongs to the petitioner and where she resides. It was submitted that the petitioner is a lady and only because of the allegation of her son indulging in such business, she has been made accused and arrested. It was further submitted that she has no other criminal antecedent and is suffering from several ailments and is in custody since 05.03.2020.

6. Learned APP, while opposing the bail, submitted that the recovery has been made from the house in which the petitioner also resides

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in Katra PS Case No. 54 of 2020,



subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that she shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of her bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of her bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

U		T	
---	--	---	--

